

## Reconciliation is not representative

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In a last-ditch effort to drag their bloated and unpopular \$2.3 trillion health care reform package across the finish line, congressional Democrats, reeling from the loss of their 60th Senate seat, are reviewing their options to achieve this goal.

With the election of Republican Scott Brown to the U.S. Senate, more than 40 out of 100 senators now oppose the Democrats' plan. An even greater percentage of Americans have expressed disapproval. Voters in Massachusetts and across the country are understandably dismayed about the secret negotiations that led to the existing health reform proposals. Legislation was drafted covertly and included backroom deals with certain states and special interests. Despite President Barack Obama's promises of a full and transparent debate on the health bill, such closed-door deal making is still going on.

The majority party is scrambling to salvage the crown jewel of its government expansion agenda. How will the Democrats move yet another version of health reform toward completion? Democratic leaders are publicly considering the use of reconciliation — a budget process tool that was designed to implement fiscal policy — to jam through a massive new health care entitlement that will add trillions to the debt.

Despite public outrage about the lack of transparency, Democrats may attempt to use reconciliation to short-circuit every senator's right and responsibility to fully debate a measure that will affect one-sixth of our economy. Using reconciliation to try to pass a new health care bill will limit debate to 20 hours, prohibit filibusters and most amendments and require only a simple majority in the Senate for final passage.

Like most Americans, I agree that health care must be reformed. Nationwide, the health care sector involves trillions of dollars in spending, yet for many, our system is unaffordable, inaccessible and ineffective. To reform health care, we must proceed carefully, deliberately and cooperatively; we must listen to all sides so that we can replace practices that result in waste and inefficiency with more affordable and effective solutions.

Reconciliation is not the right path to achieve this goal. The process first emerged to give Congress a tool to help bring spending and revenues in line with the fiscal policy assumed in the budget resolution. In short, the intended purpose of reconciliation is to make sure there is a way to enact, via a simple majority vote, changes to fiscal policy levers that will implement the budget totals, not to force through, using an expedited process, drastic and expensive new policies that will affect every American household.

The hue and cry over the stalled health care bill and the rumored use of reconciliation as a fallback strategy prompt the question: How exactly would this work? To start, any legislative language considered under reconciliation would be subject to the narrow confines of the process.

There are 18 hurdles, in the form of budget points of order, that any reconciliation legislation would have to clear. Further, the Byrd rule, which prohibits extraneous provisions from being included,

poses several additional points of order that could be raised against the bill. If passing legislation can be compared with making sausage, then passing health care through reconciliation would be like making Swiss cheese — the result would be huge gaps in policy, missing legislative text and misaligned, minimized goals.

A reconciliation package would be hurried through in less than three working days. In the U.S. Senate, a minority of one usually has the unique right to be heard. But through the procedural confines of reconciliation, only a select few get to speak. Major policy changes that have long-term effects deserve thoughtful consideration and lots of sunshine — using reconciliation would wave that away. Think about how long your child will deliberate before choosing a university, how long it takes to assess investment or retirement plans for your family's future or even how long it takes to find your next home. Doesn't health reform deserve the same careful consideration?

It is important that Americans realize what is at stake: their voice in the process, their ability to choose and, ultimately, their health. Reconciliation is a complicated budgetary exercise that is not suited to the challenges of improving health care for every individual and family. If reconciliation is used, it will be a clear signal to Americans that the administration and the Democratic majority are willing to trample the spirit of the Senate in order to pass a highly partisan policy, regardless of the damage it does to the concept of representative government.

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